

30965. Adulteration and misbranding of Coal Breaker Pills and Lucky Heart Kiss Sweet Tooth Paste. Misbranding of San-I-Gene Sanitary Antiseptic Douche Powder, Vapo Genuine Over Night Salve, Healo Salve, Genuine Preacher's No-Ru, Glandeen Called Courage Tablets, Bewino Beef Wine & Iron Tonic & Builder, Chippewa Genuine Guaranteed Old Indian Medicine, Tiger Head Antiseptic Nerve & Bone Liniment, Lucky Heart the Wonder Skin Ointment & Brightener, Kandü Vegetable Compound, Genuine Erbru Health Herbs & Iron, Chippewa Indian Herbs Tea, Erbru Pine Compound Cough Syrup, and Orene Hygiene Soap. U. S. v. Lucky Heart Laboratories, Inc., Morris Shapiro, and Ben M. Spears. Pleas of guilty. Total fines, \$7,000. (F. & D. No. 42720. Sample Nos. 53061-D to 53077-D, inclusive, 53079-D, 53080-D.)

The San-I-Gene Sanitary Antiseptic Douche Powder bore in its labeling false and fraudulent curative and therapeutic claims, and it would not act as an antiseptic when used as directed. Analysis showed that the article, a white powder, consisted chiefly of boric acid, potassium alum, paraformaldehyde, flavoring, and a trace of phenol. The Vapo Genuine Over Night Salve bore false and fraudulent curative and therapeutic claims. Analysis showed that the article, a yellowish semi-solid mass, contained volatile oils, chiefly eucalyptol, pine oil, and methyl salicylate, in a petrolatum base. The labeling for Healo Salve bore false and fraudulent curative and therapeutic claims. Analysis showed that it consisted chiefly of a petrolatum base containing zinc oxide, camphor, resorcinol, and benzocaine. The labeling for each of the two shipments of Genuine Preacher's No-Ru bore false and fraudulent curative and therapeutic claims, and in one shipment the article was falsely represented to derive its therapeutic properties from roots, herbs, and berries. Analysis showed that it consisted essentially of small proportions of potassium acetate, methenamine, extracts of plant drugs including juniper and black pepper, and water. The labeling for Glandeen Called Courage Tablets bore false and fraudulent curative and therapeutic claims. Analysis showed that it contained extracts of plant drugs, including nux vomica and damiana, and iron carbonate, coated with calcium carbonate and sugar. The labeling for Bewino Beef Wine & Iron Tonic and Builder bore false and fraudulent curative and therapeutic claims. The label also failed to declare the quantity or proportion of alcohol contained in the article. Analysis showed that it consisted essentially of small proportions of iron and ammonium citrate, alcohol (17.8 percent by volume), and water. The Chippewa Genuine Guaranteed Old Indian Medicine bore in its labeling false and fraudulent curative and therapeutic claims. It also was falsely represented to consist entirely of substances derived from roots, herbs, and berries. Analysis showed that it consisted essentially of Epsom salt, plant drugs including a laxative drug, licorice, and water colored with caramel. The labeling for Tiger Head Antiseptic Nerve & Bone Liniment bore false and fraudulent curative and therapeutic claims. More alcohol and chloroform was claimed than was found in the product, and the labeling failed to bear a statement of the quantity or proportion of alcohol and chloroform contained therein. Analysis showed that it consisted essentially of a small proportion of volatile oils including oil of sassafras, chloroform (23.0 minims per fluid ounce), alcohol (42.7 percent by volume), and water. The labeling for Lucky Heart the Wonder Skin Ointment & Brightener bore false and fraudulent curative and therapeutic claims. The label also falsely represented that the product was a harmless ointment that would not burn or injure the most delicate skin. Analysis showed that it contained a small proportion of red mercuric oxide in a petrolatum base. The labeling for Coal Breaker Pills bore false and fraudulent curative and therapeutic claims. It was falsely represented on the label that the pills contained bromides, and the label failed to state the quantity or proportion of acetanilid contained in them. Analysis showed that they contained acetanilid (0.93 grain per pill), extracts of plant drugs including capsicum and a laxative drug, small proportions of camphor, a quinine and an iron compound, calcium carbonate, and talc. No bromides were found in the product. The labeling for the two shipments of Kandü Vegetable Compound bore false and fraudulent curative and therapeutic claims. Analysis in each case showed that the product consisted essentially of extracts of plant drugs, alcohol, sugar, and water, flavored with oil of cloves and colored with caramel. The labeling for Genuine Erbru Health Herbs & Iron bore false and fraudulent curative and therapeutic claims. It also represented falsely that the product derived its therapeutic properties from roots, herbs, barks, and berries. Analysis showed that the product consisted essentially of Epsom salt, small proportions of an iron compound, extracts of plant drugs including

a laxative drug, salicylates, sugar, and water. The labeling for Chippewa Indian Herbs Tea bore false and fraudulent curative and therapeutic claims. Analysis showed that the tea consisted essentially of plant material including juniper berries, fennel seed, licorice root, aniseed, unidentified flower petals, and a woody material. The labeling for Lucky Heart Kiss Sweet Tooth Paste bore false and fraudulent curative and therapeutic claims. It was also falsely represented on the label that the product was a germicide. Analysis showed that it consisted essentially of calcium carbonate, soap, starch, a silicate, and sugar, flavored with oil of peppermint. The labeling for Erbru Pine Compound Cough Syrup failed to bear a statement of the quantity or proportion of chloroform contained in the product. Analysis showed that the cough syrup consisted essentially of extracts of plant drugs including white pine, chloroform (6 minims per fluid ounce), sugar, and water colored with caramel. The labeling for Orene Hygiene Soap bore false and fraudulent curative and therapeutic claims. It was also falsely represented to be an antiseptic. Analysis showed that it was a sodium soap, colored and perfumed.

On August 3, 1939, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lucky Heart Laboratories, Inc., Memphis, Tenn., Morris Shapiro, and Ben. M. Spears, alleging shipment in violation of the Food and Drugs Act within the period from July 18 to October 26, 1938, from the State of Tennessee into the State of Missouri of quantities of the above-named drugs, of which two were both adulterated and misbranded and the remainder were misbranded.

The San-I-Gene Sanitary Antiseptic Douche Powder was alleged to be misbranded in that the statements on the label falsely and fraudulently represented that it was effective to heal and to protect the female sexual organs safely, harmlessly, and dependably; and that it was effective to correct tendencies toward infections and diseases. It was alleged to be misbranded further in that the statements in the labeling, "Antiseptic Douche Powder * * * Dissolve from one to two teaspoons in a quart or more of warm water," were false and misleading since it was not antiseptic when used as directed.

The Vapo Genuine Over Night Salve was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that it was effective as a healing and penetrating salve for coughs, sore throats, and chest colds; effective as a treatment, remedy, and cure for soreness and tightness in the chest or throat, coughs, chest colds, tonsillitis, asthma, sore throat, neuralgia, lung colds, hoarseness, headaches, backaches, cuts, stiff neck, rheumatism, lumbago, and itching piles; effective as a relief for coughs, hoarseness, and sore throat; and effective to penetrate "to where the trouble is."

The Healo Salve was alleged to be misbranded in that the statements borne in the labeling falsely and fraudulently represented that the article was effective to heal the skin; effective as a treatment, remedy, and cure for wounds, cuts, sores, boils, burns, pimples, skin diseases, irritation and eruptions, itching or burning caused by eczema, piles, and ugly skin eruptions; effective as an instant relief for wounds, cuts, boils, skin diseases, skin eruptions, eczema, and piles; effective to keep wounds clean; and as a treatment, remedy, and cure for animal cuts and wounds.

The Genuine Preacher's No-Ru in one shipment was alleged to be misbranded in that the statements borne in the labeling falsely and fraudulently represented that the article was effective as a kidney, bladder, backache, and rheumatism remedy; as a treatment, remedy, and cure for backache, weak bladder, burning, scalding sensation, getting up nights, aching bones and leg pains, swollen hands and feet, highly colored urine, dizziness, nagging backaches, pains in back, loss of pep and energy, swelling, puffiness under eyes and rheumatic pains; and effective to clean out waste poison in the kidneys, to purify the blood, and to wash out body poisons.

The Glandeen Called Courage Tablets were alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that the article was effective as a powerful strengthener and invigorator through its action on the glands; as a treatment, remedy, and cure for loss of vitality, loss of manhood, run-down condition, fits of depression, nervousness, and irritability; and effective to restore courage, youthfulness, happiness, strength, vigor, energy, pep, and vitality through its action on the glands.

The Bewino Beef Wine & Iron Tonic & Builder was alleged to be misbranded in that the labeling falsely and fraudulently represented that the article was

effective as a tonic and builder; to build up sickly, run-down, and puny people, and to give pep and energy; as a stimulant, blood builder, and blood purifier; and to aid digestion. This product was alleged to be misbranded further in that it contained alcohol and the labeling failed to bear a statement of the quantity or proportion of alcohol contained therein.

The Chippewa Genuine Guaranteed Old Indian Medicine was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that the article was effective as a general tonic, as a treatment, remedy, and cure for tired feeling, nervousness and indigestion, sour stomach, bad breath, and torpid liver; effective to purify the blood, to clear bad and ugly skin, to give a healthy, beautiful complexion, to build up the system, and make it hard for sickness to "lay hold," and to insure health and strength. This product was alleged to be misbranded further in that the statements borne in the labeling, "Made with Nature's pure, fresh, full strength roots, herbs and berries," were false and misleading since the product did not consist entirely of substances derived from roots, herbs, and berries, but did consist of a substantial proportion of Epsom salt from which its therapeutic properties were chiefly derived.

The Tiger Head Antiseptic Nerve and Bone Liniment was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that it was effective as a nerve and bone liniment; as a relief from aches, pains, swelling, simple neuritis, headaches, toothaches, weak back, lumbago, stomach aches, pains and cramps, neuralgia, sciatica, earache, cankered sore mouth, sore nipples, ulcers, sore throat, hoarseness, bronchial cough, whooping cough, spasmodic croup, diarrhoea, dysentery, bloody flux, cholera morbus, muscular rheumatism, muscular cramp, lameness, lame back, stiff, sore, and sprained muscles, pains in back, all swellings, aches and stiffness, gas pains, colic, indigestion, heartburn, weakness, and swimming in the head; and to eliminate pains. This product was alleged to be misbranded further in that the statements in the labeling, "Contains 50% alcohol by volume Chloroform 26 Min. to each Fl. Ounce * * * Alcohol 50%," were false and misleading since the product did not contain 50 percent of alcohol and each fluid ounce of the product did not contain 26 minims of chloroform. It was alleged to be misbranded further in that it contained alcohol and chloroform, and the label failed to bear a statement of the quantities or proportions thereof.

The Lucky Heart the Wonder Skin Ointment & Brightener was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that it was effective to remove blemishes and clear the complexion; to heal sallow skin and other skin imperfections or blemishes, eczema, pimples, dark blotches, ringworm, tetter, and rough, bumpy, muddy-looking skin; to remove skin blemishes, eczema, pimples, dark splotches, and other skin troubles; to insure young skin in just a few treatments; and to aid in removing germ-caused blemishes, blackheads, dark splotches, and surface pimples. It was alleged to be misbranded further in that the statement in the labeling, "A harmless guaranteed ointment that will not burn or injure the most delicate skin," was false and misleading since the product contained red mercuric oxide, which might be harmful or injurious to the skin.

The product Coal Breaker Pills was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold since it was represented to contain bromides; whereas it contained no bromides. It was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for biliousness, dizziness, sour stomach, gas, and colic; and effective to destroy infection and to tone the entire system. It was alleged to be misbranded further in that the statement on the label, "Contains bromides," was false and misleading since it contained no bromides. It was alleged to be misbranded still further in that it contained acetanilid and the label failed to bear a statement of the quantity or proportion of acetanilid contained therein.

The Kandu Vegetable Compound was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that it was effective as a female regulator and builder, and as a system builder and regulator for weak, run-down nervous women; as a treatment, remedy, and cure for female weakness, cramps, pains, blue feeling, painful menstruation periods, headaches, nervousness, run-down condition, loss of appetite, and female irregularity; as a relief for troubles common to women; to insure health and happiness; to bring back the sparkle in the eye; to help women enjoy life, and (one shipment only) that it was effective to clean ugly, bad, splotchy skin.

The Genuine Preacher's No-Ru in one shipment was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that it was effective as a kidney, bladder, backache, and rheumatism remedy; as a treatment, remedy, and cure for backache, weak bladder, burning, scalding sensation, getting up nights, aching bones and leg pains, swollen hands and feet, high colored urine, dizziness, nagging backaches, pains in back, loss of pep and energy, swelling, puffiness under eyes and rheumatic pains; and effective to clean out waste poison in the kidneys, to purify the blood, and to wash out body poisons.

The Genuine Preacher's No-Ru in a later shipment was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that the article was effective as a remedy in the treatment of disorders of the kidneys, liver, and bladder, rheumatism and backache; as a relief of backaches, dizziness, burning, smarting sensation, weak bladder, aching bones, leg pains, and rheumatic pains; to purify the blood and to insure healthy clear skin and youthful feeling; as a treatment, remedy and cure for aching limbs, backache, loss of appetite, aching elbow joints, rheumatic pains, swollen feet, dizziness and circles under eyes; to prevent the kidneys from becoming clogged with poisonous matters and to decrease the danger of acid poison; and to make one feel younger and better in every way. This product was alleged to be misbranded further in that the statements, "No-Ru is made with fresh-pure-roots-herbs and berries Nature's Remedy * * * Contains Nature's Roots, Herbs and Berries," were false and misleading since it did not consist entirely of substances derived from roots, herbs, and berries, but did consist in part of potassium acetate and methenamine, mineral substances not derived from roots, herbs, and berries.

The Genuine Erbru Health Herbs and Iron was alleged to be misbranded in that the statements in the label falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for heartburn, torpid liver, irregular action of the kidneys, dull pains, sour stomach, physical exhaustion, headaches, biliousness and similar ailments, indigestion, loss of appetite, blotches, sallow complexion, nervousness, dizziness, skin eruptions, boils, weakness, run-down condition and sleeplessness; as a blood and nerve tonic; to strengthen and build up the nerves and to purify the blood; as a strength builder and purifier; to clear the complexion and clean the system, to rid the system of the poisons and health-destroying waste that clog up the bowels and digestive tract; as a relief for swimming in the head, gas pains, indigestion, bloating, and sour stomach; to insure a clear, bright, healthy complexion; to get one well and keep one well; and to restore the normal action of the stomach and liver. This product was alleged to be misbranded further in that the statements in the labeling, "Use Herbs as the Indians did Erbru Health Herbs and Iron * * * The Wonderful Herb Medicine Genuine Erbru Health Herbs and Iron Full strength roots, herbs, barks, berries, and iron compound tonic. You get the full strength of Erbru's pure Roots, Herbs, Barks, Berries, Flowers, and Iron because it's sealed in for your protection * * * Erbru is fresh full strength roots, herbs, barks, berries and iron. Nature's own remedy. Guaranteed made from pure roots, herbs, barks, berries and iron," were false and misleading since the product did not consist essentially of substances derived from roots, herbs, barks, and berries, but did consist in large part of Epsom salt, from which its therapeutic properties were chiefly derived.

The Chippewa Indian Herbs Tea was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that the article was effective as a tonic, and as a treatment, remedy, and cure for upset stomach, biliousness, headaches, and bad complexion; as a health restorer; as a relief for dyspepsia and biliousness; and to cool and cleanse the blood, to tone the liver and kidneys, and to clean the stomach.

The Lucky Heart Kiss Sweet Tooth Paste was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold since it was not a germicide, as represented in the labeling. It was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that it was effective to strengthen the gums, to make gums healthy and red, and to prevent decay. It was alleged to be misbranded further in that the statement "Kills Germs" was false and misleading since it was not a germicide.

The Erbru Pine Compound Cough Syrup was alleged to be misbranded in that it contained chloroform and the label failed to bear a statement of the quantity or proportion of chloroform that it contained.

The Orene Hygiene Soap was alleged to be misbranded in that the statements in the labeling falsely and fraudulently represented that it was effective when used in connection with Heal-O-Salve, to relieve discomfort and varieties of open sores, irritated skin, and similar ailments. This product was alleged to be misbranded further in that the statement on the wrappers, "Antiseptic," was false and misleading since it was not an antiseptic.

On November 8, 1939, pleas of guilty were entered on behalf of each of the defendants and the court imposed a fine of \$3,499.80 against Lucky Heart Laboratories, Inc., a fine of \$1,750.10 against Morris Shapiro, and a fine of \$1,750.10 against Ben M. Spears, a total of \$7,000.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30966. Adulteration and misbranding of ether. U. S. v. 83 Cans, 129 Cans, and 40 Cans of "Ether U. S. P. 10 * * * (Ethyl Oxide U. S. P. XI)." Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 45468, 45469, 45470. Sample Nos. 53689-D, 53690-D, 53692-D.)

Samples of this product were found to contain peroxide, when tested according to the tests laid down in both tenth and eleventh revisions of the United States Pharmacopoeia.

On June 14, 1939, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 252 cans of "Ether U. S. P. 10 * * * (Ethyl Oxide U. S. P. XI)" at Chicago, Ill.; alleging that the article had been shipped within the period from on or about February 3, to on or about May 1, 1939, by Merck & Co., Inc., from St. Louis, Mo.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated since it was sold under names recognized in the United States Pharmacopoeia, i. e. "ether" and "ethyl oxide," but differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia and its own standard was not stated on the label. It was alleged to be adulterated further since its strength and purity fell below the professed standard and quality under which it was sold, namely, ether U. S. P. 10.

It was alleged to be misbranded since the statement "Ether U. S. P. 10 * * * (Ethyl Oxide U. S. P. XI)," borne on the label, was false and misleading in that it did not conform to the specifications of the tenth revision of the United States Pharmacopoeia for ether, nor to the specifications of the eleventh revision of the pharmacopoeia for ethyl oxide, since it contained peroxide.

On September 2, 1939, no claimant having appeared, decrees of condemnation, forfeiture, and destruction were entered.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30967. Misbranding of International Colic Medicine and International Chicken Cholera Medicine. U. S. v. International Stock Food Co., Inc., and Erle B. Savage. Pleas of guilty. Fine, \$300. (F. & D. No. 40788. Sample Nos. 50524-C, 50525-C.)

The colic medicine contained a smaller proportion of alcohol than that claimed on the label and it also was found to be ineffective against the ailments and conditions for which it was recommended. The chicken cholera medicine was found to be ineffective in the treatment and prevention of cholera in chickens.

On March 7, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the International Stock Food Co. and Erle B. Savage, of Minneapolis, Minn., alleging shipment by them in violation of the Food and Drugs Act on or about March 13 and June 17, 1937, from Minneapolis, Minn., into the State of Louisiana, of quantities of International Colic Medicine and International Chicken Cholera Medicine that were misbranded.

The colic medicine was alleged to be misbranded in that the statement "contains 18 percent Alcohol," borne on the label and in a printed circular were false and misleading. It was alleged to be misbranded further in that the statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for colic, spasmodic colic, gas colic, flatulent colic, kidney colic, bloat, acute indigestion, grain founder or bloat, and stoppage of water; that it was a quick, safe, sure medicine for the treatment of ordinary colic and ordinary acute indigestion,